

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

FILED

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**U.S. DISTRICT COURT
N.D. OF ALABAMA**

UNITED STATES OF AMERICA,

v.

RICHARD M. SCRUSHY,

Defendant.

UNDER SEAL

CR-03-BE-0530-S

[Handwritten signature]

**DEFENDANT RICHARD M. SCRUSHY'S
RESPONSE TO THE GOVERNMENT'S MOTION
TO DELAY RULINGS**

Defendant Richard M. Scrushy ("Mr. Scrushy") respectfully submits this response to the Government's Motion to Delay Rulings.

Mr. Scrushy takes no position on the relief sought by the Government's motion, and defers to the Court's judgment whether delaying decision on the pending motions until a superceding indictment is presented will result in a savings of judicial resources. The Government contends that it plans to amend, modify or drop counts in the superceding indictment and that the Court might be required to reconsider its rulings based upon those changes and might engender additional motion practice. However, Mr. Scrushy notes that ruling on the pending motions now might obviate the need for or reduce the scope of motion practice regarding the superceding indictment. The Court's ruling on the pending motions could instruct the Government as to what would be permissible and impermissible charges in any future indictment it might choose to bring.

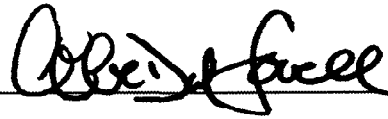
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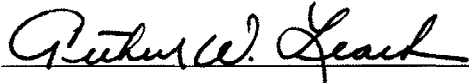
That guidance would assist the Government in presenting a superceding indictment in line with the Court's view of the law.

Dated: July 23, 2004

Respectfully submitted,

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2004 a copy of the foregoing response to the government's motion to delay rulings was served by hand delivery to:

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